

Notice of Allowability

Application No.

09/813,936

Examiner

Alicia Chevalier

Applicant(s)

JOHN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed April 25, 2005.
2. ☒ The allowed claim(s) is/are 6,7,9,11-14,16,17,21,41,42,46 and 60.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/9/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Randy Noranbrock on June 9, 2005.

Claim 6, line 1, delete "anti slip" and insert -- anti-slip --.

Claim 6, line 2, delete "anti slip" and insert -- anti-slip --.

Claim 7, line 2, delete "anti slip" and insert -- anti-slip --.

Claim 11, line 1, delete "anti slip" and insert -- anti-slip --.

Claim 12, line 1, delete "anti slip" and insert -- anti-slip --.

Claim 12, line 2, delete "anti slip" and insert -- anti-slip --.

Claim 13, line 2, delete "anti slip" and insert -- anti-slip --.

Claim 16, line 1, delete "anti slip" and insert -- anti-slip --.

Claim 16, line 2, delete "anti slip" and insert -- anti-slip --.

Claim 16, line 7, delete "3 3.5" and insert -- 3-3.5 --.

Claim 17, lines 1-2, delete "anti slip" and insert -- anti-slip --.

Claim 21, lines 1-2, delete "anti slip" and insert -- anti-slip --.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The base claim(s) is/are: 6, 16, 41, 42, 46 and 60.

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The present claim 6 is deemed allowable over the references of record since the references fail to disclose or render obvious a shapeable, weather resistant anti-slip panel, comprising a cut resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate; whereby, in use, the substrate can be cut along selected uncoated cutting lines to obtain a desired panel shape, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a Shore D hardness of between 80 and 100.

The present claim 16 is deemed allowable over the references of record since the references fail to disclose or render obvious a shapeable, weather resistant anti-slip panel, comprising a cut resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate; whereby, in use, the substrate can be cut along selected uncoated cutting lines to obtain a desired panel shape, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a maximum deflection of 25 when 1 kg is suspended from a fixed panel test piece 100 mm long x 20 mm wide x 3-3.5 mm thick.

The present claim 41 is deemed allowable over the references of record since the references fail to disclose or render obvious an anti-slip panel comprising a substrate having a working surface and being made of a first material having a first hardness and a cut-resistant anti-slip coating on the working surface of the substrate, the coating being made of a second material having a second hardness greater than the first hardness, the coating defining a pattern of uncoated, cutting lines on the working surface of the substrate, wherein the working surface of the substrate is devoid of the second material along the cutting lines, at least one of the cutting

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lines extending continuously from one edge to another edge of the substrate, thereby allowing the substrate to be cut along the at least one cutting line without cutting the cut-resistant anti-slip coating, the first material is a unsaturated polyester based on an orthophthalic resin filled with e-glass fiber.

The present claim 42 is deemed allowable over the references of record since the references fail to disclose or render obvious an anti-slip panel comprising a substrate having a working surface and being made of a first material having a first hardness and a cut-resistant anti-slip coating on the working surface of the substrate, the coating being made of a second material having a second hardness greater than the first hardness, the coating defining a pattern of uncoated, cutting lines on the working surface of the substrate, wherein the working surface of the substrate is devoid of the second material along the cutting lines, at least one of the cutting lines extending continuously from one edge to another edge of the substrate, thereby allowing the substrate to be cut along the at least one cutting line without cutting the cut-resistant anti-slip coating, the panel further comprises a base resin disposed between the working surface of the substrate and the coating, the base resin bonding the second material of the coating to the working surface of the substrate, the base resin is a unsaturated polyester based on an orthophthalic resin.

The present claim 46 is deemed allowable over the references of record since the references fail to disclose or render obvious an anti-slip panel comprising a substrate having a working surface and being made of a first material having a first hardness and a cut-resistant anti-slip coating on the working surface of the substrate, the coating being made of a second material having a second hardness greater than the first hardness, the coating defining a pattern

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of uncoated, cutting lines on the working surface of the substrate, wherein the working surface of the substrate is devoid of the second material along the cutting lines, at least one of the cutting lines extending continuously from one edge to another edge of the substrate, thereby allowing the substrate to be cut along the at least one cutting line without cutting the cut-resistant anti-slip coating, the coating is made of a plurality of particles of the second material, the particles being embedded in the first material of the substrate.

The present claim 60 is deemed allowable over the references of record since the references fail to disclose or render obvious an anti-slip panel comprising a substrate having a working surface and being made of a first material having a first hardness and a cut-resistant anti-slip coating on the working surface of the substrate, the coating being made of a second material having a second hardness greater than the first hardness, the coating defining a pattern of uncoated, cutting lines on the working surface of the substrate, wherein the working surface of the substrate is devoid of the second material along the cutting lines, at least one of the cutting lines extending continuously from one edge to another edge of the substrate, thereby allowing the substrate to be cut along the at least one cutting line without cutting the cut-resistant anti-slip coating, the second material has a mohs hardness of between 9 and 10.

The closes prior art is summarized below.

Harvison discloses an anti-slip panel (*i.e. tile, col. 5, line 49*) comprising a substrate (*i.e. base, col. 5, line 57*) and an anti-slip coating (*i.e. anti-slip system, col. 5, line 61*). The substrate has a working surface, *i.e.* the surface with the anti-slip coating, and is made of a first material (*i.e. glass fibre, col. 5, line 58*) and is deemed to have a first hardness. The anti-slip coating is on the working surface of the substrate (*figure 5*) and made of a second material (*i.e. aluminum*

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oxide particles, col. 2, lines 37-38) that is deemed to have a second hardness. Applicant discloses that known anti-slip aggregate, such as aluminum oxide or silicon carbide, is a very hard, sharp particulate material and is very difficult to cut or drill (*Applicant's specification, page 1, lines 9-21*). Since aluminum oxide particles are difficult to cut the anti-slip coating is deemed to be cut-resistant. Furthermore, since aluminum oxide particles are known to be very hard and difficult to cut, the second hardness is deemed to be greater than the first hardness.

Hedblom discloses an anti-slip panel (*i.e. pavement marking, col. 3, line 41*) comprising a substrate (*i.e. base sheet, col. 3, line 41*) and an anti-slip coating (*skid-resistant particles, col. 4, line 9*) on a working surface of the substrate (*figure 2*). The coating defining patterns of uncoated lines on the working surface of the substrate, since the reference discloses that the substrate has protuberances and the coating is only applied to the protuberances (*col. 4, lines 6-14 and figure 1*). The cutting lines are defined as lines on the substrate that do not have the anti-slip coating, i.e. a discontinuous anti-slip coating, therefore the uncoated line regions of the anti-slip coating in Hedblom are deemed to be cutting lines. Figure 1 in Hedblom shows that at least two of the cutting lines extend continuously and intersect each other. Also, Hedblom discloses that the working surface is exposed along the cutting lines, since the reference discloses that the anti-slip coating, i.e. skid-resistant particles are discontinuously applied to the substrate (*col. 4, lines 6-11 and figure 1*).

Harvison and Hedblom fail to teach, alone or in combination, that in use, the substrate can be cut along selected uncoated cutting lines to obtain a desired panel shape, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a Shore D hardness of between 80 and 100 or has a maximum deflection of 25 when 1 kg is

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suspended from a fixed panel test piece 100 mm long x 20 mm wide x 3-3.5 mm thick (claims 6 and 16), the substrate made of a first material is a unsaturated polyester based on an orthophthalic resin filled with e-glass fiber (claim 41), a base resin made of unsaturated polyester based on an orthophthalic resin disposed between the working surface of the substrate and the coating and the base resin bonding the second material of the coating to the working surface of the substrate (claim 42), the coating is made of a plurality of particles of the second material and the particles being embedded in the first material of the substrate (claim 46), or the coating being made of a second material with a mohs hardness of between 9 and 10 (claim 60).

In sum, the prior art of record fails to teach or suggest an anti-slip panel having all the features of the base claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Alicia Chevalier". The signature is fluid and cursive, with the first name "Alicia" and last name "Chevalier" clearly distinguishable.

Alicia Chevalier

6/10/05